
COPENHAGEN – GAC Operating Principles Working Group presentation to GAC Plenary
Thursday, March 16, 2017 – 11:30 to 12:30 CET
ICANN58 | Copenhagen, Denmark

CHAIR SCHNEIDER:

So just checking our schedule, and, well, if you don't have further questions or comments to the work presented and proposed by the Underserved Regions Working Group, I think that means we are slightly ahead of schedule. So the question is would the -- should we start right away with the -- with the operating principles discussion and try and finish earlier?

She's coming. Michelle is coming, because Michelle is very important support to the Operating Principles Working Group. So I will hand over the floor to Manal, who was leading the session of the Operating Principles Working Group that took place on Saturday morning last week, with the support of Michelle. And we'll soon see -- yes, it's already here. As we've seen, then, there are two tracks that this -- the working group has been proceeding. One is trying to agree on some minor amendments, in particular with regard to the upcoming elections of the vice chairs and the chair, and then a second track that is a more general, holistic review that may take some longer time.

But with this, let me hand over to Manal.

Thank you.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

MANAL ISMAIL:

Thank you, Thomas. And I can see that many colleagues were already present during the Operating Principles Working Group session, so I think this will be familiar.

So if we can scroll down. As Thomas mentioned, we worked on two tracks. Very minor changes, just to introduce the online voting thing in preparation for the upcoming elections. And in parallel, we are also working on some high-level headings, just to structure the new operating principles and how we are going to fill it and populate those headings afterwards.

So as you can see, those are not all the operating principles. Those are only principles where we have done the minor changes. And as you can see, it's just to introduce "by email or any appropriate means as approved by the GAC," and we deleted "electronically, via telefacsimile or via airmail" because those means are not being used right now, at least by the GAC.

So same modification in principle 9. And I think it's again the same thing in principle 10. And also principle 11. Again, just the minor edits, as you can see the track changes. We deleted "electronic" and introduced "email."

So if we don't have any -- Anyone has any comments, remarks, questions?

So if not, then on the agenda part, again, those are very, very minor changes. It says "communicated." Instead of "communicated to

members," it now says "communicated to GAC members and observers."

And again, in principle 13, it again mentions "including by email." So again introducing the online thing.

So moving down. Can we scroll down, please? Yes.

Principle 31, the original text says that the elections for the GAC chair shall take place during the final meeting of every second year. And it had, between brackets, "Even years." So colleagues felt this does not really add, so we deleted it.

And in the second paragraph, instead of "new elections shall be organized," it says, "new elections should be organized, if necessary, for the remaining term." And this has to do with one of the vice chairs stepping down before the end of the term. So we felt that if the remaining period is really small, maybe it doesn't make sense to go through the whole process of elections. And that's why we left it flexible. So "if necessary."

Any questions? Go ahead, please.

UNKNOWN SPEAKER: Sorry, just struggling with "shall" and "should." That's all. >>MANAL ISMAIL: So any preference?

UNKNOWN SPEAKER: No, only because it must happen, whether "should" is strong enough or not. That discussion. "Should" is if it's an option.

MANAL ISMAIL: Because it says "if necessary." So it's not -- I was just clarifying because we might not want to make elections if someone is stepping down and the remaining period of his or her term is really short. So going through the hassle of holding full elections might not be practical again.

Any other questions?

So in principle 32, it now reads, "Elections shall be valid if more than 1/3 of the GAC members participate in the voting. In case of the second round of voting, only GAC members present at the meeting can participate."

So this is the language as it stands. And let me again say that we have -- within the working group we have already agreed that there are so many other changes that could be done and so many other enhancements that could be done. But we were really focusing on things that has to do with the online voting. So we will definitely reiterate again within those principles and do any other necessary improvements.

So can we scroll down, please.

So this one -- the sentence reads, "This includes the taking of votes in person or ballots transmitted electronically instead of by electronic mail."

So, again, a minor change. So in principle 35 there's a new paragraph here that reads, "The voting process must be secure, fair, independent, and transparent. Details of the voting process must be communicated to members at the time when nominations for candidates are finalized and announced as per principle 33. Votes may be cast using a secure online voting mechanism or by any other secure mechanism the GAC deems appropriate. The GAC secretariat will facilitate the election process."

And then for the second paragraph, again, the minor changes and the final text now reads, "Where votes are cast in person, for example, in the case of a tied ballot, the GAC secretariat will distribute ballot papers to members' accredited representatives at that meeting and arrange for a ballot box to be placed in the conference room."

So any comments? Questions? Okay.

Yes, please, CTU. Nigel.

CTU:

Yes, thanks.

I'm just wondering, in the case of a tied ballot and you have to vote in person, whether the quorum criterion still applies? You must have at least 1/3 of the GAC members voting.

MANAL ISMAIL: Good question.

So do we need the quorum for a second round for a tied ballot -- a tied result? We need -- yeah.

Okay. Then -- we need the quorum.

CTU: No, I think it's just to be clarified.

MANAL ISMAIL: You mean in the text, we have to add this in the text?

CTU: Yeah. One should say that. Because, if for some reason, you did not have a good turnout of eligible voters at that particular meeting, something that is less than 1/3, then you may not be able to resolve the tie legally, I shall say according to the rules. I think it should be clarified whether or not you are limited to just the number of people present or whether or not you still have the quorum qualification. I think that should be agreed in the group.

MANAL ISMAIL: I think it's a fair point. So Michelle, please.

MICHELLE SCOTT-TUCKER: CTU, do you have a sentence you'd like to suggest to add to the end of that principle that captures what you're trying to achieve?

CTU: Not off the top of my head, except to think something like the quorum criterion applies to -- you know, the quorum criterion shall apply to the second vote. I forget exactly what they called it, but ...

MANAL ISMAIL: Iran, please, Kavouss.

IRAN: Yes. Good morning. I think quorum -- whatever threshold that you have -- here, you have 1/3, that in future, hopefully, we will change that. But at this say leave it as it is. Perhaps we should add for some paragraph for any step of the voting, quorum mentioned in principle X, if you have mentioned somewhere, is required. Without quorum it's not possible. If at the meeting present only two or three people, we could not say all three are in favor or against. So we have another part. I think that is -- in future we will have a very complete set, because I have a complete procedure. But I don't want to do it now. Because it might be more than ties always, sometimes maybe. Then we have situation, then we go to those who have -- who are more senior and so on and so forth. There's a lot of procedure. I can take that from interest somewhere else that I have, but this is -- I don't think it is. But we need to mention that for any steps of the voting, the

application of quorum mentioned in paragraph X is essential or required. Thank you.

MANAL ISMAIL: So, Michelle, if it is in response to this. And then Olga, please. Thank you.

MICHELLE SCOTT-TUCKER: Would that solution be all right with you, CTU?

CTU: As I understand it, it was mentioning that the quorum criterion applies through all the -- here. But that would cover it. That would cover it.

MANAL ISMAIL: Yes, Argentina. Olga, please.

ARGENTINA: Thank you. Thank you for all the work that you have done. My question is about principle 35. When it says details of the voting process, eVoting, right? Secure, transparent, independent -- must be communicated to the members at the time when nominations for candidates are finalized and announced.

My question goes to some countries have more than one representative. So the ballot goes to whom would that be

communicated when these details are -- or should be reviewed before? I don't know if the question is clear.

UNKNOWN SPEAKER: Yeah --

ARGENTINA: One ballot per country. And who receives the ballot if there are two, three, four members in the list of participants?

MANAL ISMAIL: I believe normally it's the accredited representative. But, again -- yes, it's one. But, Michelle, if you want to add also. Yeah, it's the accredited representative as per the choice of the government, of course.

Iran, please. Kavouss.

IRAN: Yes, it's accredited representative. Or it's a substitute, if designated. Because someone accredited may not be available. Maybe.

But it may say that in the next voting I am accredited, Mr. X, I won't be in a position to. Mr. Y represents me. So we have to put that one. The accredited and its his or her designated person, if the case may be.

members that they can designate a person that is actually available and physically there, ideally. So that's -- yeah. So I think we should amend that before we send it out for the 60 days' period.

MANAL ISMAIL:

Thank you, Thomas. Any other comments? Okay.

Then, if we go to principle 36, it now reads, "All members will be provided with opportunity to cast their votes up to 21 days prior to the relevant meeting. Voting shall also be made possible during the relevant meeting. Any member from whom a vote has not been received within the above-mentioned time limit shall be regarded as not voting." Iran, yes. Kavouss.

IRAN:

Thank you, Manal. This is an issue raised many times. I think we should replace the deterministic verb, "Will" by "shall." Because "will" is okay, I will do something. But "shall" is it must be done. Shall be provided. This is an obligation to be provide it, not a willingness to provide. Thank you.

MANAL ISMAIL:

So, yeah. This is the first sentence. "All members shall be provided with"?

So, Michelle, did you get this very last comment? So it's "All members shall be provided the opportunity"? Any other comments? CTU, yes. Nigel, please.

MANAL ISMAIL: Thomas, please. Go ahead.

CHAIR SCHNEIDER: Thank you. I think I do understand what Nigel is referring to. The thing is it doesn't change anything, because they cannot vote physically prior to the meeting anyway. So the only thing is it can -- and what Michelle says is relevant. Because, during the meeting, you may have a period where electronic voting is also possible. And then there's the physical vote. And, if we don't specify it, it just allows us more flexibility to actually do as we think it works best. So I would rather not have the word "electronically" linked to the 21 days. Because then that may read as voting shall not be possible any more electronically. And we may just complicate our lives. So I would leave it as it is, because there's no problem with it because you can't physically vote before the meeting. And I don't see that this creates any problem. But, of course, your point is right. I would just not mention it, because that would create other expectations. Thank you.

MANAL ISMAIL: Thank you Thomas. So it's implicit that the 21 days are electronically. And it's flexible to maintain both options on-site.

I now have Iran, Austria, and CTU, Nigel again. Thank you.

IRAN: Not on this issue raised. I have one general question about the electronic voting.

The essence of the voting, which was secret physically -- that means it would not have any bias from one to the other, except someone wants to share his views with other people it's his responsibility. One is electronically how is the information kept that would not have any bias on any other things. So whom it goes and how is it kept? Is it kept secretly until the time it is announced or it may be perforated here on this -- I'm not sure of this process of electronically. I don't know which organization up to now has done that, electronic voting? Invalid form, so on and so forth. Because that might have some influence, some biasing and so on. How the process is kept healthy and secure from the security that it remains some -- that no one knows who has voted for whom until it is -- the result is announced. Thank you.

MANAL ISMAIL:

Thank you.

Michelle, please.

MICHELLE SCOTT-TUCKER:

My understanding -- and I need to talk to ICANN's IT people about this -- is ICANN will provide us with the software, the online voting software. And we already trialed some last time we tried to get the online voting process under way. The other SOs and ACs all use an online voting system. And, to answer your question about where the data is kept, on an ICANN server, I imagine.

The information that I get from the software simply says candidate, number of votes received. That's the only information that comes through the software. Everything else is held within the body of the software. That's my understanding of it. If this is cleared, I'll investigate that further with ICANN's IT people. All we're providing for at the moment is the option of online voting. GAC doesn't have to use it, if you decide not to.

MANAL ISMAIL: Thank you, Michelle. Austria. Christian, please.

AUSTRIA: Thank you, Manal. Just a question for clarification. The possibility to cost a vote during the meeting, does it mean that you have time for the whole period of the meeting? Because the last -- when we had the last vote, our friend Hubert had a problem because he had to leave early. And so he missed the possibility to cast a vote.

I think this is an important point in such a case this can happen any time. In such a case it should be possible to cast a vote anyway. Is that something that the new language provides for?

MANAL ISMAIL: Thank you, Austria. Michelle, please.

MICHELLE SCOTT-TUCKER: I remember very well when our friend from Germany was unable to cast his vote. I still dream about that.

[Laughter]

They're not good dreams.

So we're very specifically having this period so that people will be -- have 21 days before the meeting. And I'll keep reminding them you can vote online. You can vote online. People will come to the meeting. You can still vote online. You can still vote online. So, if people had to leave early, they could vote that day. We will close -- the voting won't be available for the whole meeting, because we need to announce who the winner is at the meeting. So it will close a few days short of the end of the meeting. But I'm very much keeping that scenario in mind in the way we've drafted these words. I can assure you.

MANAL ISMAIL: Thank you, Michelle. I have CTU and then Iran, please.

CTU: Thank you. The reason why I had mentioned the word "electronically" under principle 36 is because I misunderstood the sentence as it is written.

It says, "All members will be provided with the opportunity to cast their votes up to 21 days prior to the relevant meeting." That communicated to me that voting stops at 21 days prior to the meeting,

rather than voting starting 21 days prior to the meeting. And maybe it should say, "Opportunity to cast their votes from up to 21 days prior to the meeting."

MANAL ISMAIL: Yeah. That makes things much more clear. I agree. I have Iran and then Thomas. Please, Iran.

IRAN: Yes. There is a need for some clarification. I don't really understand that 21 days prior to the meeting is open for electronic voting. And then during the meeting also we continue to have voting. Doesn't make sense. During the meeting is not electronic voting. And, number two, there should be what else we are mentioned. The question was that, when the physical voting, if the case may be, will be commenced. Not to put at the end, perhaps, in other environment, so on and so forth, but the second or third day of the meeting when the people arrive. First day may be a little bit early. But second or third. So that will be the day of the physical voting to take into account also the result of the electronic. But not postpone to the last day or last but one. There is a little bit of clarification. Thank you.

MANAL ISMAIL: I'm sorry. Just to seek clarification, you don't want online voting during the meeting itself?

IRAN: Yes. Why we need to have online during the meeting? The people is here, present. What is the meaning of online?

MANAL ISMAIL: So I'll get back to you on this, but, Thomas, please, sorry to keep you waiting.

CHAIR SCHNEIDER: The answer to Kavouss's question, the problem that we had because we had only the pre-meeting electronic email period ended something like seven days before the meeting, and then there was a period where you could not cast a vote until the very moment of the election.

And that is the problem that the German person had because he was intending to vote physically that day, but then he realized he wasn't there that day so he couldn't vote. And there was another person who intended to come and there was a problem with a hurricane or something that prevented that person from flying in.

So this is exactly the reason why the online voting is possible until the moment before the vote starts so that -- or whatever. But during the first days of a meeting, maybe the night before or so. But this is, in particular, to allow for a window for those who have intended to vote physically and, therefore, have not voted electronically before, in case something changes, that they can vote, still vote from whether they are at home or sick in bed in a hotel room or wherever they may be. That's the intention.

And, of course, Nigel from the CTU, you're right. So that can be misread with the "up to several." We'll change that.

Thank you.

MICHELLE SCOTT-TUCKER: To clarify, if we have online vote, you won't be voting by putting your little piece of paper in the red box unless there is a tied ballot. So if we can run online voting, you just vote online. You can vote before the meeting, you can vote while at the meeting but there will be no half hour devoted to me and my little red box with the hole in the top unless there is a tie, and then, because of the way the operating principles currently stand, then you'll have to put your ballot in the little red box. So that's another reason to promote online voting because it gives us some meeting time back to talk about policy issues.

CHAIR SCHNEIDER: Thank you for clarification. That makes sense.

MANAL ISMAIL: Thank you, Michelle.

So, yeah, in other words, the voting will start electronically 21 days prior to the meeting, and throughout the 21 days and throughout the meeting until the process ends, but also allowing for a ballot voting in case of a tie.

So, Iran, please.

IRAN:

Why the physical voting during the meeting is included? What is the problem with that? I don't want to put electronically even I'm at the meeting. I want to put physically. Why it is physical is -- The one who has not voted electronically neither during the 21 days nor during the GAC days, why not they can cast the vote physically? Why is physically totally excluded?

Please don't forget that some country, they have problem with electronic. Problem with server, problem with many other things, problem with da-da-da-da, and they prefer physical. Why you exclude physical? For those that want to leave physical, leave physical.

Thank you.

MANAL ISMAIL:

Thank you, Iran.

Thomas, please.

CHAIR SCHNEIDER:

Thank you.

I think we are -- we are in the 21st century and these technologies are, let's say, so developed that it's more secure to vote electronically via an electronic tool than the ballot because you can actually miscount physical papers, and so on and so forth. So those who would have

traditionally voted with a paper and a ballot, they can just click on the right spot in their computer and we assume that we will have Internet connection during that moment at the ICANN meeting, and we all have our computers. And if not, you could probably even use the computer of somebody else.

So of course it's -- we -- if we go with this, we abolish the nice, physical tradition of all of us queuing up here and throwing the paper in, but I think we can live with that given, as Michelle has explained, frees a half an hour time or so where we can actually do the work.

But the idea of this electronic voting system is, in particular, to allow everybody to vote, to be inclusive, and allow for changes, let's say, in physical locations of people. And the fact that you can vote at the meeting until a certain moment replaces the physical voting. Apart from not having the picture of us queuing up, there is nothing that is missing or that is preventing anybody under any circumstances from participating in the vote.

So I hope that clarifies the situation.

Thank you.

MANAL ISMAIL:

Thank you, Thomas.

I have U.K. Nick. Go ahead.

UNITED KINGDOM: Thank you, Manal. Yeah, just in response to Michelle's point, I'm sort of easy on all of this. The idea of electronic voting and -- has (indiscernible) very sensible.

But just to Michelle's point around the authentication of the online voting system, you said that the information you receive does not disclose from whom a vote came from. You just see the candidates and the number of votes; correct?

Maybe it's not for being detailed in this document, but how can -- what's the process to ensure that there isn't a duplication of an electronic vote and a physical vote?

MICHELLE SCOTT-TUCKER: This conversation at the moment is about allowing the option of online voting. The actual procedure I'm happy to test with the GAC as we move forward through that, and I'll work with ICANN to resolve those sorts of processes before we put an online voting option in place. All we're seeking today is to give us that option, and then the GAC can work out the details subsequently. And I would be happy to address those sorts of issues further down the track.

MANAL ISMAIL: Yeah, is it Singapore? I'm right? Okay. Singapore, please, and then Thomas.

SINGAPORE:

Thank you. Thank you very much, Madam Chair. I attended the working group and I have to say that I did not quite get that we were going to replace the physical voting with online voting. But thank you very much for that clarification.

If we are going to allow online voting and we're going to do it on the actual day of the voting as well online, it seems to make intuitive sense, at least for me, for the 21 days to run up all the way until the date and time of the physical, so to speak, voting online in the meeting room rather than to stop the online voting just before the meeting and then resume it for that short duration of the actual voting day. Right?

So my understanding would be what we're trying to do is to open the window to do online voting 21 days up to and until the actual time and date, which we have to determine, of the elections so that there are no more online votes that come in on the same day but after the hour, minute, or second that the votes are closed.

Thank you.

MANAL ISMAIL:

Yes. Exactly.

Thomas.

CHAIR SCHNEIDER:

Thank you. And I think that's the intention, but we may, indeed, clarify the phrasing here. We could basically simply say voting will start 21 days prior to the meeting and will end at the moment of the election

or something like that. So to make that clear that voting is possible for that period, if that makes more sense to people.

MICHELLE SCOTT-TUCKER: I was hoping, perhaps wrongly, that the phrase "up to 21 days prior to the relevant meeting" would allow us that sort of wiggle room. So that it doesn't really matter how many days before the meeting you open it up. I've said up to 21 days. Maybe we'll only have it 14 days prior to the meeting. In the scheme of things it doesn't really matter. But if you want to suggest some phrasing to make that clear that there's an end point about halfway through the meeting and a beginning point sometime before the meeting, I'd be happy to discuss that.

MANAL ISMAIL: Thank you, Michelle.

I have Iran. Kavouss, please, go ahead.

IRAN: Yes, first of all to Thomas. Yes, 21 century has a lot of advantage, and we have heard this advantage of electronic of 21 century. I don't want to give that advantage. Everyone has seen, has heard, and so on, so forth. And I have heard some country, during the next election they totally abandon electronic because of the problems of electronics. Malware interventions of electronics. Just to reply to Thomas.

Now, in respect to what Michelle said, we prefer to have very clear the start and the end. Very, very clear. Clear-cut. When it start, when ends. That is where.

And the other time -- on the other hand, we don't want to exclude the physical voting: I don't see what is the problem if a box is there and five or six or ten people they don't want to go electronically and come and put their vote in the box. There's no queue. That's all. They have 10 minutes or 15 minutes of coffee break, sometimes we have 30 minutes coffee break, so we have another. We have spend a lot of time for many things. So I still, I don't know. In any other organization we never abandoned the existing procedures and going to electronic totally. We says that is a good means, it helps, but we still maintain the situation. It seems that you want to totally replace email -- telefax by email. Yes, we can agree with that. Communication, you can send by letter, you can send by email, but you want to do everything. You're too much (indiscernible) in this case. 21 century. But we have some doubt about that.

However, if you want to do that, we should add a paragraph stating that the above-mentioned electronic voting will be on trial for some period pending the result of that. It may continue or may not continue. We don't know. We have to see whether it works or doesn't work. So we have to mention that. The above-mentioned electronic voting will be put under trial test for one or two period, and pending the result of that, may -- we'll decide accordingly. That is something very important.

But clear start and clear stop please.

Thank you.

MANAL ISMAIL: Thank you, Kavouss. I have Sudan, please.

Go ahead.

SUDAN: Thank you.

I'd like to draw your attention that sometimes -- we are from Sudan. We cannot access such online systems. So there should be some consideration for such cases, like we commit proxies or -- and the physical should be available for us, also, because of the sanctions.

MANAL ISMAIL: Thank you, Sudan. Noted.

Thomas.

CHAIR SCHNEIDER: Thank you. To Sudan, if you're physically present at the meeting, then you can use the -- then you have access to electronic devices. Do I understand this correctly?

SUDAN: Yes. If I'm outside Sudan, no problem.

CHAIR SCHNEIDER: So in that case, there's nothing that the possibility to physically throw some piece of paper in a ballot would add to your possibility to physically, at an ICANN, push a button on a computer. Do I understand this correct?

SUDAN: But if I'm not here, I would like to make proxy for someone to draw the ballot for me. That's why I...

CHAIR SCHNEIDER: Yes. That is understood. But just to signal there's no -- there's no -- if you're not here, then you cannot use the physical voting either. So just to make that point clear.

And with regard to Iran, well, if -- I don't think it makes sense to put a trial period in because if we did realize in the unexpected case that electronic voting would not work, we can just amend the operating principles by simple majority in 60 days and go back to something else, because otherwise we would definitely need to amend the operating principles after the trial period. And since we're having the holistic overview element. If you want, we can put a test phase in but I don't think that changes -- changes anything.

And with regard to the voting itself, this is a philosophical question whether somebody believes that electronic voting is more or less secure than a physical voting because in the physical voting, it's the

outgoing chairs and vice chairs plus the secretariat. And if they are really malicious and all agree on the same conspiracy theory, they can basically also modify the numbers and nobody else would know about it. So there's no absolute certainty. In whatever we do, there is a risk. What risk is higher, whether you trust an electronic system or you combine an electronic system with a physical system or you just go for a physical system I think would go beyond -- beyond. There but what I heard, and I'm not an expert I must say, is there are electronic voting systems that are used that are secure.

And to the United Kingdom's question, I would actually -- but this is something to be clarified. I think it would be good, for instance, if people could check afterwards whether their vote has actually been received and they -- or somebody like an outgoing chair or vice chair could actually see the votes like they see it physically when you see the paper. I'm not sure whether the names are there, actually, but there's some kind of way of making sure that actually everything went well. But this is -- this is the case in other fora where you have electronic voting. And, for instance, in my country, you can actually vote by three means. One is to go physically to the urn or to the ballot, the other is by traditional paper mail, and the third one is electronically in some areas. And there have been tests, and so on and so forth. And I know that other countries do the same and there are institutions and associations and so on that vote electronically.

In my parliament, for instance, they vote electronically through pushing a button, and then you just see the lights green or red or yeses and nos. So this is turning more and more into a common practice.

Peru and Argentina.

PERU:

You know, I understand perfectly well the notion of insecurity around the electronic vote, but normally we would associate that insecurity to big populations where electronic vote is taking place.

In Peru, in the Ministry of Foreign Affairs we normally have a vote -- voting twice a year, and we -- the people that oversees vote electronically, and the ones that are in Peru with vote electronically or by personally. And it works just fine. We have never had a problem with electronic vote for that number of people.

We have had problems with electronic vote in national elections, which is a bigger -- a bigger issue.

Thank you.

ARGENTINA:

Thank you, Chair. Just to clarify. Maybe I missed some part of the conversation. Are we moving to electronic vote or are we keeping the hybrid system? I'm not sure about what we are deciding.

MANAL ISMAIL:

Yeah, because we haven't decided yet. We're discussing.

So let's -- yeah, Olga, you're right. Let's take it -- break it down and see if we can conclude on this principle.

So I think we agreed on 21 days. The online voting will start 21 days prior to the meeting? Right? And it will be continuous until -- until the voting stops, if I understand correctly.

And now the discussion point is whether we're going to allow also ballot voting or not in parallel to the -- I mean simultaneous with the online voting.

So I have -- Okay. Thomas and then Olga, please.

CHAIR SCHNEIDER:

Thank you. Just I think there are two things. One is what we -- what we put in the operating principles. And the way they are now, even if you rephrase it to make the date issue clearer, we allow for both. So we can choose whatever we want. That is one thing.

The other thing is we have to take a decision, then, but we don't have to put this in the operating principles, that we can, for the next elections, for instance, try and go with electronic voting alone. That wouldn't necessarily -- that is independent of if we phrase it general, we can decide to have or not have a physical voting in Johannesburg or even later.

The thing is the way -- the intention of this paragraph is to allow it both so that we don't have to modify the operating principles again. That was the intention. And the point that I see is that the dating is not really clear, so we should improve that. But I would suggest that we leave it without specifying what the exact means is, because then

we can actually do it and gather experience and agree on it and build on an experience in the future.

Thank you.

MANAL ISMAIL:

Thank you, Thomas.

I have Argentina and then Iran, please.

ARGENTINA:

Thank you, Manal. And my comment is the line of the one made by our chair. I think keep the window open for a hybrid or keep the same way that we have done and maybe decide in the future.

I don't see in the room that there is a specific preference for one or the other so we should keep the option of having both electronic and physical voting.

Thank you.

MANAL ISMAIL:

Thank you, Olga. Iran. Kavouss, please.

IRAN:

Yes, no problem. You put 21 day before and you put end of that, that will be X hours before the voting procedure or voting will start. And my question is that that voting in the meeting would be on some day

of the meeting. And I suggest that the second or third day of the meeting, but not at the first nor at the last.

So we have to have a day of elections.

MANAL ISMAIL:

Thank you, Iran.

So any other comments or questions?

Okay. So can we please move down to, yeah, principle 44? It's a very minor edit. Just changing "membership" to "members and observers." So this is really editorial.

If we scroll down, please, to the next modification. Yeah, principle 49. It now reads, "Records of the meeting of the GAC shall normally be recorded in an appropriate form and be available online."

Okay. And principle 53, again just to add the option of online voting to other options such as the ballot and raising of cards is it or....

So, Michelle, please. I'm sorry; Michelle, can you help me out here, please.

In principle 53. So this is the deciding vote may be by ballot, by raising of cards, by roll call, or by using an online voting mechanism.

So there is an option of raising of cards.

MICHELLE SCOTT-TUCKER: Yes.

MANAL ISMAIL: Okay. So.

MICHELLE SCOTT-TUCKER: This is the legacy we're left with from the current operating principles, and we've left it there because it's easier to leave it than to change it, but we're just giving ourselves as many options as possible.

MANAL ISMAIL: Any comments?

Iran, please.

IRAN: Even in those environment that we have card, we never say "by raising the card." We say raising hand but not card. Here we don't have any card. By hand raising, roll call, or before we have secret ballot, now we have something else, but it's hand raising but not card raising. There is no card here.

Thank you.

MANAL ISMAIL: Thank you, Kavouss.

Any objections to change "card" to "hand"?

And I think there are multiple occurrence of this, so if we can just make sure it's changed throughout the relevant principles, please.

Any further comments?

Okay. Can we scroll down, please, to what I believe is the last. Okay.

Sure, Peru, please. Go ahead.

PERU:

I don't see Chile sitting here. I don't know if Denis is here. Yes, Denis is here.

So yesterday we were talking with Chile, the possibility that at some point perhaps one of the -- the Pacific alliance countries could represent the one that is not present in a vote. The Pacific alliance countries are Peru, Mexico, Colombia and Chile. And we -- we go far together. We even have shared embassies in many parts of the world now.

So I believe that that could be the case for other regions as well, and that we could include this possibility in the operating principles.

The way we would do it is a written statement, "I authorize Peru to represent Chile." Or "I authorize Chile to represent Peru for the GAC meeting number, for all the issues involved in the GAC meeting number so-and-so." Something like that. But I believe that the possibility of representation must be included.

MANAL ISMAIL: Thank you, Peru. And I have Michelle and then Thomas. And I think this is the same point that was raised by our colleague from Sudan as well.

Thank you.

MICHELLE SCOTT-TUCKER: The GAC principles are currently clear that a proxy is not able to be used. If we want to change that, that will be beyond the scope of the current amendments which are just minor administrative amendments purely to allow the use of online voting.

The issue of proxy is definitely something we can address in the next phase of our review of the operating principles when we're looking at more issues of substance rather than these minor administrative changes we're making at the moment. It goes into membership, it goes into proxy. There's a whole lot of really complex, challenging issues that we're definitely trying to avoid in these amendments just so we can get these very minor amendments through simply so we can use online voting this year.

Any subsequent changes will be subject to as you're suggesting about proxy will be subject to the next part of the review process.

PERU: They're raising their hands, for example. If you raised a hand and you are representing not only your country but others, that should be taken into account as well.

CHAIR SCHNEIDER: Thank you, Milagros. I think Michelle is right. Here we have two tracks. One is the very minor changes just to make sure that the voting procedure doesn't prevent anybody from voting. And with the online voting 20 days before the meeting and during the meeting, that should not prevent anybody from voting; but, actually, everybody should have a chance.

PERU: We're not just talking about voting for a new chair. I'm talking about voting for decisions.

CHAIR SCHNEIDER: Yes. But we don't vote for decisions now currently. That will get a fairly complex exercise. That is important, and I think we should look into this. But we will not be able to discuss and agree on this in the next 22 minutes, I guess.

So I would urge you to take that -- bring that back in. And we note that this is an issue that has come up when we do the holistic review in parallel. But to go find solutions that are clear and satisfactory and people may want to sleep over it. I don't see that actually working in the next 22 minutes. Let us try to focus on this here. And then, actually, we need to spend a few moments to present to the GAC the result of the working group's efforts to structure, at least with the big headings, the overall logic of the operating principles and then to present a way forward.

So, if you can accept this, I would like to ask you to bring that in the holistic review but not overloading these minor changes that we just managed to have common sense about it. Thank you.

MANAL ISMAIL:

Thank you, Thomas. Yeah. And it's important that we know that the voting here is meant to be strictly for the elections process. This is where the focus is. I have Iran.

IRAN:

Yes, Manal. You just take note of what we include in the future. One is the quorum, whether it should be 1/3 or any other things. Second would be voting by proxy. When you say "proxy," there are two category of proxy proxy directly and proxy indirectly with multiple proxy. That is something we discussed.

And the third one which was raised on two previous GAC meetings was voting of the observer. Because that may come to the double representation. Countries vote individually, and then they have observer from composition of this country and they vote also. That was raised by some country I don't want to name.

These are the issues to be discussed, but not now. As Thomas mentioned, we have no time. Thank you.

MANAL ISMAIL: Thank you, Kavouss. So any other comments before we share the high-level principles? Michelle? You have something to add? Yes. Go ahead, please.

MICHELLE SCOTT-TUCKER: Just to share with you what the next steps will be with this process. The GAC principle 53 outlines how we go about revising the operating principles. And, to do that, these changes need to be made available for -- to you for a 60-day consultation period.

So what I will do in the next day or two -- well, next day. Won't be two. Tomorrow I'm on a plane -- is make those amendments that we've just agreed today, including clarifying things where that's been suggested.

And then I'll make the document formally open to you via the GAC list for a 60-day consultation period. And, if I don't get the amendments quite right, that's the time to mention it. And we'll work together to use that 60 days to finalize the document that's in front of you now. But, by the end of that 60-day consultation period, we all want to definitely be agreed about the wording. And then in Johannesburg you will formally endorse the new changes. And they become part of the new operating principles. So, just to clarify, that's how the process works. When I send you the email, I'll reiterate how that process works again. So you might get that email -- I'm just thinking it through -- probably early next week.

MANAL ISMAIL: Thank you, Michelle. So, if we can now have the second document or slide that has the high-level principles, please.

So, as mentioned earlier, the working group worked on those minor amendments but also on a set of high-level principles, basically, how the new operating principles will be structured.

And under each heading there are a few key words just to give a sense of what's going to be included under this heading. So --

Just waiting for the document to be uploaded.

MICHELLE SCOTT-TUCKER: While we're waiting -- sorry, Manal. Just to flag, some of you made comments during the working group to revise this. And I have revised it, according to your comments. But some of you spoke in complete sentences, which made my life difficult to fit it onto a single slide. So where I haven't captured your complete sentences, I have captured the sense of it, if not on the slide, then definitely in my notes.

MANAL ISMAIL: Thank you, Michelle.

So, basically, there's going to be a section on the scope, which will include what the GAC is, what the GAC does, and refer to ICANN bylaws, a section on membership, who can join the GAC commitment to outreach members, observers, representation. And then a section on how the GAC conducts its work or GAC working methods, commitment to transparency, commitment to participation by all

members, quorum, face-to-face meetings, working online intersessionally, working groups, review and improvement of working methods.

And then a section on GAC leadership: roles and responsibilities, the GAC chair, the vice chairs, working group chairs and co-chairs, topic leads, the decision-making process within the GAC.

And then a section on the elections of the chair and vice chairs, obviously, the terms of office election rules, commitment to diversity.

And then a section on the meetings: agenda, minutes, recordkeeping. Another on the working groups: formation and closure, working group chairs and co-chairs, membership, activities,

And a section on GAC advice to the Board: What is GAC advice, consensus, communicating GAC advice and tracking of GAC advice.

And another section on interaction with ICANN community: Engaging with other processes, appointments to other bodies, roles and responsibilities of GAC appointees, provision of GAC inputs, seeking community input, as well as SO and AC liaisons to the GAC.

And a newly introduced section on GAC participation in the empowered community, including how the decision making within the GAC will take place and the escalation as well.

A section on the secretariat and, finally, a section on revision of the operating principles.

So, at this point in time, we'll be looking to key words that we may have overlooked or anything that we need to put as a placeholder until further drafting takes place.

Kavouss, please, Iran.

IRAN: Yes. Do we mention somewhere about communicate somewhere? That is one output of our work.

And then I don't understand the minutes. Do we have any minutes? Minutes is something that is prepared by (indiscernible) and will be approved minutes. Because otherwise will not be minutes. It will be some record of discussions.

And then representation, I don't understand what is representation. We have members. We have observers. What is representation? So these are the small things. If we don't notate it now, just take note of that and notate it in the future. Thank you.

MANAL ISMAIL: Yeah. I think the point of the communicate was raised also within the working group. Is it -- yeah, Michelle, please.

MICHELLE SCOTT-TUCKER: My sense is that the communicate would come under communicating GAC advice.

There are multiple ways currently to communicate GAC advice. And the communique is chief amongst those, but not the only way.

MANAL ISMAIL:

Maybe for now we can put the key word just because it pops up again and again the same question. Thomas, please.

CHAIR SCHNEIDER:

Thank you. And thank you for the clarifying questions from Iran.

The idea of this is that what you are trying to seek your validation is the headings not the bullet points. The headings is what has been developed by the working group. As a logic, that would be the new structure of the operating principles. Because the old operating principles, the logic is, let's say, not fully clear to everybody at least. And we're trying to be more coherent.

So the titles of what you see here is going to be the logic, if this is perceived as making sense to you.

The bullet points under the respective titles here are just -- it's just an attempt to more or less signal what will be part of this. But they have no -- they won't survive in the end. This is not something -- these are not official subtitles of the headings. This is just trying to give you an idea of what will be under the headings.

And what we'll do is we'll take the existing operating principles and take those texts that are there and allocate them under the respective headings. So what is there now about the communique will be under

GAC advice to the Board. That will be one part. And, as Michelle said, there will be other parts -- other ways of communicating GAC advice. So that will be part of this section and will not -- as we've agreed earlier, will not draft completely new text. But we'll use the existing texts of the current operating principles as a start, including the minor modifications that will have been approved by Johannesburg, and just reallocate them in this logical order. And then work from then on to discuss which existing paragraphs the GAC would like to modify or not or delete or add new paragraphs, which will then for instance, about the empowered community and so on and so forth. There will be new paragraphs that will be fed in from the other work.

But what -- the bullet points are just as an orientation, but they're not meant to be looked at (indiscernible) because that's just an indication of what we intend to -- what you should expect under the headings.

What we would like to have validated so that we can continue the work is whether you think the headings make sense. Of course, we can also modify the headings while we modify the whole thing. But this is the logic, if I get this right.

MANAL ISMAIL:

Thank you, Thomas. I have Iran. I have Palestine. And I have someone I think at the back. Okay. Thank you.

Iran, please, go ahead.

IRAN: Yes. I could follow what's said by Thomas. But at least the main title, "GAC Advice to the ICANN Board" is not the main title. It is GAC communique in which there is advice and others. So communique is not GAC advice to the Board. Part of the communique is GAC advice to the Board, but there are other parts. So, perhaps, that main title should be GAC communique, if you want to say including GAC advice or GAC communique under which you have GAC advice and go on. At least the main title should be more broader. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Palestine.

PALESTINE: Hello, everybody. I think from the proposed GAC operation principle show us how secretariat is so important for GAC operating in the future.

My question is about tracking GAC advice. Can we go deeply in this? Because from our meeting I think this needs some details or something like that. Thank you.

MANAL ISMAIL: So, again, as Thomas mentioned, these are very high-level highlights. I mean, we didn't get into the details yet. This is just to get a sense of what's going to be put under this title. So I'm not sure I answered your question. Did I? Thomas.

CHAIR SCHNEIDER:

Thank you. The thing is that, as we have heard from the Board -- and we've had actually the leadership team had some presentation. And the Board had some presentation. ICANN is currently developing a system for all SO and ACs of tracking and processing GAC advice. What we have so far is we have advice somehow listed on our Web site. And the idea of the title "GAC Advice to the Board," is this is not about the communique. This is about advice in general. And the important heading is the advice because that has implications on the Board. And the communique is not an important thing, per se. Because the advice -- in any form, whether it's in a letter or in a list of principles or whatever, that is relevant. And this is also what we have in the current -- what we have in the current operating principles and in the bylaws. The bylaws doesn't talk about the communique. The bylaws talks about advice to the Board and specifies the rules.

So the thing we need to define is how we do -- how we give advice and so on and so forth. But the communique is just a means. We can decide to not use communiques, but to call it resolution or whatever. The communiques is the tool, but the essence we need to be clear about is the advice. So so much for that. And, with regard to the tracking, as I said, the ICANN is setting up, also now at our request, a system that we do not have to painfully go through the Web site and our email archives and try to find out when did we say what and what did the Board respond? Like ACIG Tracy went through that exercise when she was doing the report about the effectiveness of the exercise. And I don't know how many hours she was searching through things. So this is an effort that the ICANN organization is doing to make this --

put everything in one database that can be used by every SO and AC to search for things that they did and easily find -- and there will be maybe some reference on it. But it's just an idea of -- that that will be reflected. But it doesn't really exist yet. So this is too early to say. Thank you.

MANAL ISMAIL: Thank you, Thomas. I have a request from the back. Sorry. I cannot see.

TAIWAN: Thank you.

MANAL ISMAIL: Mr. Morris, yes.

TAIWAN: Thank you. I'm Morris from Taiwan.

My delegation believes it's very important to revise the GAC operating principles in order to meet the current needs in -- and comply with the new ICANN bylaws. And we appreciate the may not to prepare such a high-level structure for us. According to Chair's explanation, this is just a restructure of current operating principle. But I think we still have to have some assumption to meet our current needs. And, actually, my question provides I just want to clarify. It's this structure -- just the items on this slide is just the restructure of the current

operating principle. Is there any new item, new bullet point on this slide? I think there must be some new thing we need to address. If there is any new item here, I suggest in the future we add some mark such as the underline on such an item so we can recognize which item under current operating and what item are new. Thank you.

MANAL ISMAIL:

Thank you, Mr. Morris. I believe all -- all the -- all those high-level principles are already within the current operating principles. They are just ordered chronologically, maybe, or in a more structured way. But of course the part on GAC participation in empowered community, this is a new part that's going to be introduced.

But apart from this, it's more of a restructuring and fine-tuning exercise.

I hope this answers your question.

So I have Iran next, please.

IRAN:

Thank you. We made our comments. We would like our comments be included in your minutes, in your recording that we do not believe that the title should be "GAC advice." Communique is communiqué. I don't think that Coca-Cola will change their name to water cola because they may change it. There is a brand of the GAC. GAC communique would remain, and so on, so forth. We don't replace it by resolutions. So please include our comments and to be considered

later on. We don't insist you change it now, but include that, and that is something very important.

Thank you.

MANAL ISMAIL:

Thank you, Iran. Noted.

So any further comments?

Michelle?

MICHELLE SCOTT-TUCKER:

As Manal mentioned, GAC participation in empowered community is a new -- would be a new heading to add to the operating principles. The heading there on working groups is also new. The current operating principles only say that the chair may form a working group, and then is silent about how it might work.

So there's some detail there that reflects our current processes and procedures that aren't reflected in the -- in the current operating principles.

So it's not a straight correlation between the old and the new, but the old is certainly included in these, and then it's reworded in such a way as to make it a bit more reflective of our current practices.

MANAL ISMAIL:

Yeah, thank you, Michelle.

So you're right. Even things that already existed in the old operating principles did not accurately reflect the current practices. So those are addressed differently here.

Any further comments?

If not, then I hand over to you, Thomas, anyway.

Thank you.

CHAIR SCHNEIDER:

Thank you. And of course, also these titles are subject to, in the end, because they will be part of the operating principles, they will need to be approved so what we wanted to see, is get a sense from you whether this logic makes -- goes in the right direction, that does make sense in your view, and we'll build the, as I said, the elements that currently are there into this logic and then there will be a track-change process with new things and more details about the working groups, and so on and so forth so that you will see what is old text and what will be text that is proposed to be -- to be amended, and so on and so forth. But we'll not modify the old text for the first version of the text that you will get here, and then there will be -- that will be the basis of the work.

So that's the logic that we've spent quite a lot of time trying to come up with something that is -- makes sense and is understandable.

So we hope that we succeeded with this exercise because it's not trivial, as we have experienced in the past, as we all know. So we hope that that will help us to advance more efficiently from now on.

And actually, that brings me to the last point that the working group has decided to propose to the plenary of the GAC that the working group's work would be terminated with this, with the meeting at this meeting on Saturday, and that given the importance of this, that we would take this as a matter of the GAC as a whole that would be led by myself as the chair with the support of Manal as one of the vice chairs and Michelle, to the extent that our saving measures will allow us to actually have her. If -- We're still open for sponsors, by the way. And if not, that work will have to be taken on by somebody else.

Yeah, that's the situation that we are in. But in -- anyway, her experience and knowledge will feed into -- into this anyway. So -- And we'll hope to make progress on this electronically in parallel to the minor changes where me outlined the process that you will at some point in time before the Johannesburg meeting get the version with the current text under these headings, and then we'll start it from there. Maybe there will be a separate document in addition already at the same time that would propose some amendments or -- we'll see how we'll do. But this will be the logic, the guiding logic for the next few steps of the work.

If that is fine and not fundamentally contested, considered to be absolutely wrong, then I would take this as agreement on the way

forward with this, and then I think we can end the meeting in time, more or less.

Yes, Iran.

IRAN:

Thank you, Thomas.

Although it is not a culture of GAC or ICANN but culture of other people, at the end of the meeting there will be some few words, words of appreciation they have worked for us, appreciation goes to you, the outgoing co-chair, incoming co-chair, all co-chairs, and so on, so forth, then given to the support given to us by ICANN. Olof, Julia, and Tepe and others, and also going to interpreters who have helped us understand each other and to distinguished colleagues, delegates, observer, they have worked together and built up consensus and maintained the spirit of collaboration and consensus building.

That is something we do in all other U.N. organization. We are strong on that, but unfortunately, GAC is finished like that without this sort of the word.

Thank you very much, and hope to see you at the next GAC meeting, next ICANN meeting, and safe journey and safe return.

[Applause]

CHAIR SCHNEIDER:

Thank you, Iran. That's actually what I was going to say next, but it's always -- I like division of labor and in particular appreciate your support. So thank you for doing that.

And, yeah, just to add my personal thanks to all of you, starting from the ones at the very back; i.e., the interpreters, the technical people. To the front, to those that are not here, who have been contributing electronically. And a special thank -- thank you is appropriate here given the situation within to Michelle. We have again seen how important she is, and there's no competition between the two of them, so they are both very important. So thank you very much.

I hope, severely, strongly, sincerely, that we will have you again at some point in time. So as I said, money is still -- we are still ready to receive funds to -- the sooner the better.

Thank you all very much.

As you know, that there are still things going on in the afternoon. The public forum, and then the public board meeting. And most important for those who are still here, there's a community wrap-up cocktail at 6:30 in the evening tonight. 6:00? This 6:30. But maybe it's at 6:00. You will find out. I will be there, I hope to see you there.

Thank you all very much, and hope to see you soon.

[Applause]

[END OF TRANSCRIPTION]